

To the Montgomery elections board, your legal signature isn't good enough

By Phil Andrews

Gaithersburg

Sunday, August 29, 2010; C05

The Montgomery County office of the Maryland Board of Elections, following dictates from the state board, has rejected a petition signed by 50,000 Montgomery County residents to place the county's recently enacted ambulance fee law on the November ballot for a vote. The standards the board used should disturb all who care about democracy.

The board disqualified thousands of legal signatures -- the signatures that people use when signing checks, wills and contracts -- because they didn't include a middle initial or because they didn't match the format of the person's printed name on the petition or because the signature wasn't a readable cursive version of the printed name. Something is seriously wrong when the legal signatures of voters are thrown out in the name of preventing fraud.

I have reviewed hundreds of signatures evaluated by the board, and have verified that it rejected the legal signatures of my constituents. I know this because I collected those signatures. For example, James Long of Gaithersburg printed and signed his name James A. Long on the petition. The board threw out his signature because it isn't a model of penmanship, although his first name, middle initial and last name are clearly discernible. Another example: Dick Lindstrom of Gaithersburg printed his name Richard M. Lindstrom on the petition and signed "Richard Lindstrom," his legal signature. The board invalidated it.

The petition review standards forced on the local board are fundamentally flawed. Reviewers compared printed names and signatures on petitions to names on the voter registration list to see if the names and the format of all three matched (e.g. full first name, middle initial, last name). This approach requires legible signatures, which many people don't have, and puts undue importance on middle initials, which most people have but many don't use.

In crafting standards for ballot petitions, governments have a legitimate interest in preventing fraud. How ironic, irrational and troubling that the Board of Elections is interpreting Maryland law in a way that increases the likelihood of fraud, by requiring that many petition signers alter their actual signatures or be disenfranchised. A person's unique signature is one of the best protections against fraud. The board's rules requiring that petition signatures be exact cursive versions of signers' printed names make it more likely that a person's signature could be successfully forged or challenged as fraudulent because of differences from the person's legal signature. Yet, petition signers who did not change their legal signature to suit the board's preferences had their signatures tossed out.

The provision in the Maryland Constitution establishing the right of the people to petition laws to referendum is a crucial check on legislative power. The disqualification of the

ambulance fee petition on such specious grounds undermines the people's ability to exercise this fundamental right.

We should be thankful that the board wasn't around in 1776, when it would have thrown out Thomas Jefferson's signature on the Declaration of Independence because he signed "Th Jefferson."

The Montgomery County Volunteer Fire and Rescue Association, which represents the county's 19 volunteer fire departments and more than 1,500 dedicated volunteer fire and rescue personnel, spearheaded the referendum campaign to reject the ambulance fee law. An unprecedented number of residents signed the petition to place the law on the ballot for approval or rejection by voters. It is clear that voters want to be heard on the wisdom of imposing ambulance fees of \$300 to \$800.

But unless the board's rejection of the petition is reversed, county voters will lose this opportunity to have their voices heard.

Such disenfranchisement can't be allowed to stand. If the will of voters is thwarted by absurd, disenfranchising signature rules, I will introduce a bill in the County Council to repeal the ambulance fee law, which is dangerous public policy. In addition, if the courts don't undo the disenfranchisement carried out by the Board of Elections, the Maryland General Assembly should reform the referendum law to remove provisions that increase the possibility of fraud and unduly burden the right of Marylanders to petition laws to a vote.

The writer, a Democrat, represents District 3 (Gaithersburg-Rockville) on the Montgomery County Council.